



May 2006

e - Therapist Bulletin

Legislative Watch

House Bill 2643 was signed by the Governor on April 24 that will allow Physical Therapy Assistants to practice under supervision in home based programs. It will become effective 90 days after the Legislature adjourns for this session.

NOTE: Submit your anticipated monthly number of visits and units you will use for Physical Therapy Assistants as a result of this new law. Send them numbers to kkittle @azdes.gov The information will be compiled and forwarded to AHCCCS for predicting insurance costs.



House Bill 1379 deals with the licensing of Speech and Language Assistants.

Go to www.azleg.gov/ and enter the number 2643 or 1379 in the *Bill # Search box* to track these bills.

Speech Therapy

AHCCCS's policy matching the qualifying language in Department of Health Services (DHS) rule went into effective March 6. Now if a master level speech therapist meets the qualifications and is licensed by DHS as a "regular" licensee without having the "CCC's", they can now apply for their AHCCCS number.

Please refer to your licensure department if you have questions. Our Division Qualified Vendor agreement will be conforming to these changes in the next update.

The purpose of this Bulletin is to provide news to Therapists from the Division regarding therapy services topics. Articles are written by Karen Kittle, Division Director of Program Development and Policy, in collaboration with Division Administration and Division Business Operations staff.

Contact Karen by email at kkittle@azdes.gov or by phone at 602-364-2855 with questions or comments.

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Insurance Update

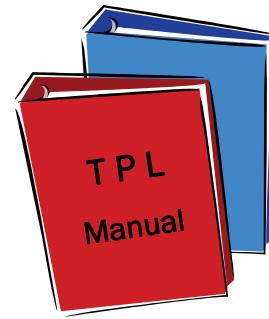
The Division in an uphill battle has been instrumental changing insurance requirements for Therapies (Occupational, Physical & Speech Therapies). The below matrix lists updated changes and pending issues for the Insurance Module. Watch for specifics in upcoming issues.

Decision/Resolution Matrix Summary Insurance

Insurance Issue	Final Decision	Implication
Sexual Abuse/Molestation	(+) Agreed	Risk Management reclassification from Module A-2 to A-1: Sexual Abuse/Molestation insurance has been reclassified for this group and will not be required as part of the contract.
Work Comp Waiver <i>LLC's (Limited Liability Company) wished to challenge that they should receive a sole proprietor waiver as an independent LLC.</i>	(-) Denied	Arizona Industrial Commission Decision: The Workers Compensation section of the Arizona Industrial Commission has verified that the sole proprietor waiver is applicable only to an individual who operates a business under his or her own name (i.e., a sole proprietor). It is not applicable to a corporation or LLC (Limited Liability Company) even if the organization is owned by one person and that person is the only employee. Lori Wood of the Workers Compensation Section invites anyone with questions about this issue to contact her at 602-542-6716.
Subrogation <i>On investigation no professional liability company is willing to give a waiver of subrogation. It is requested that this requirement be waived.</i>	(+) Agreed	Professional Liability waiver on subrogation will be removed.
General Liability <i>A request to combine Professional Liability & General Liability in those policies that offer it. Marsh Affinity and some other companies offer this. HPSO does not.</i>	(+) Agreed to negotiate a compromise that allows the professional liability policies that also carry General Liability as specified can be combined. (-) Therapists that do not have professional liability that could be combined with the specific General Liability will be required need separate General Liability.	This requirement may be satisfied if the policy is combined with the Professional Liability policy provided that the General Liability coverage is written on an occurrence basis and certified with all of the coverage, limits and additional insured in this requirement. If written with the Professional Liability policy, the General Liability section shall have separate limits from the Professional Liability.
Auto Insurance <i>Request to lower the requirement to under \$1,000,000 to allow purchase of insurance without having to go into a commercial/large business category. This requirement has placed a significant burden on family use of vehicles when classified as commercial.</i>	(-) Denied	Resource: Some contract providers may have difficulty finding or purchasing the State's required insurance. The Consumer Services Section of the Arizona Department of Insurance (602-364-2496 or 800-544-9208) can provide a representative sample of agents, brokers or insurance companies that provider may select, depending on the type of insurance needed. This may not be applicable to a clinic therapist, contracts need to define the term "commute" which has an exception. This could possibly apply to point-to-point contact from therapist home to a client home if only seeing one consumer per day.

Third Party Liability Manual

The Manual has been completed and is available at www.azdes.gov/ddd. Contact Kim Maldonado by email at kmaldonado@azdes.gov or call 520-742-7679 extension 121 if you have any questions or need more information.



Arizona Early Intervention Program (AzEIP)

By Barbara Brent, Deputy Assistant Director and Linda Flores, Director of Program Services

Change - As you may be aware, the Arizona Early Intervention Program (AzEIP) is being redesigned. Due to the complexity of the changes, which involve multiple components of numerous systems, the timeline for implementing the new system must be extended beyond the anticipated July 1, 2006 implementation date. The Division, with its partner agencies, is reassessing the timelines and the Division will notify the community of the new information as soon as possible. Greater detail about the team-based model proposed for the early intervention system is available on the AzEIP website at <http://www.azdes.gov/azeip/whatsnew.asp>



Website Under Construction

A new Division website for Therapists is under construction. It will address issues such as recruitment and therapy development. Watch for the link address.

We're on the Web!
www.azdes.gov/ddd

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Reminders

All Therapists

Clinical Rate: Treatment in your own home or a home purchased and converted to a clinic does not constitute *natural environment*. The clinic rate will be applied.

Have questions?: Please direct questions to your District Therapy Coordinator. Requests by therapists to intervene on issues such as disputes on ISP's, denials, etc., can be more effectively handled at the District level where a resolution processes is in place. I am available to and maintain close contact with the District Therapy Coordinators if they need advice or a resolution recommendation.

Physical Therapists

Evaluation versus Re-evaluation: Division policy states that if the information on an evaluation is more than 6 months old, do a re-evaluation. If it is over a year old, do an evaluation.

Law mandates periodic evaluation/assessment and plan of care by PT's--BUT, it does not define frequency or timeframes.

In discussion with the PT practice, re-evaluations should be triggered when circumstances or functionality has changed from the previous evaluation or determined during a session. The therapy plan should then be revised according to the client' needs.

Exceptions may be if a client is 0-3 years of age where change happens quickly or there is a change in medical condition, then a re-evaluation and not a full evaluation could fulfill the requirement.

Under Titles VI and VII of the Civil Rights Act of 1964 (Title VI & VII), and the Americans with Disabilities Act of 1990 (ADA), Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, the Department prohibits discrimination in admissions, programs, services, activities, or employment based on race, color, religion, sex, national origin, age, and disability. The Department must make a reasonable accommodation to allow a person with a disability to take part in a program, service or activity. For example, this means if necessary, the Department must provide sign language interpreters for people who are deaf, a wheelchair

accessible location, or enlarged print materials. It also means that the Department will take any other reasonable action that allows you to take part in and understand a program or activity, including making reasonable changes to an activity. If you believe that you will not be able to understand or take part in a program of activity because of your disability, please let us know of your disability needs in advance if at all possible. To request this document in alternative format or for further information about this policy, contact the Division of Developmental Disabilities ADA Coordinator at (602) 542-6825; TTY/TTD Services: 7-1-1.